

REMARKS

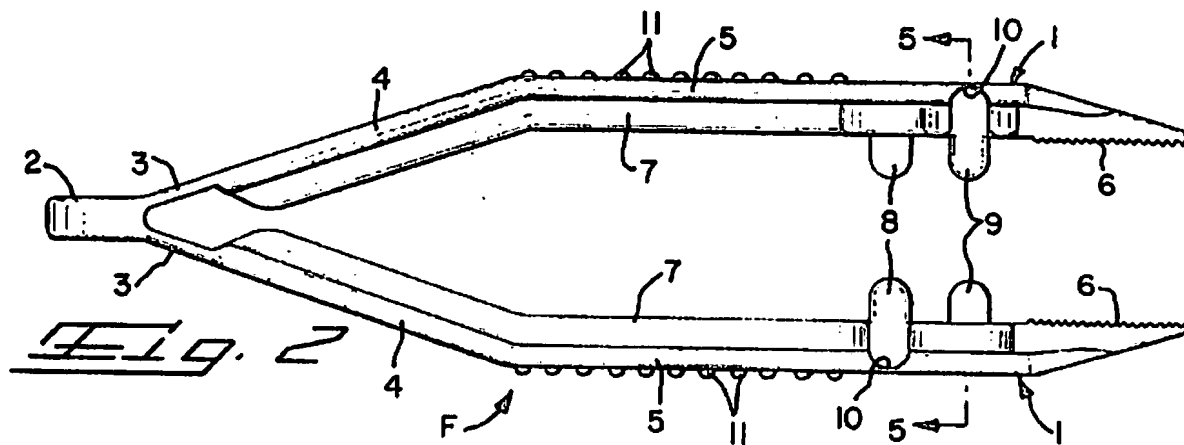
The present application has been reviewed in light of the Final Office Action mailed December 31, 2009. Claims 31-64 remain pending in the application. Applicant respectfully traverses the rejection of claims 31-64.

Claims 31-37, 41, 43 and 44 were rejected under 35 U.S.C. 103(a), as being obvious over U.S. Patent No. 3,653,389 to Shannon (hereinafter, "Shannon") in view of U.S. Patent No. 3,363,628 to Wood (hereinafter, "Wood"), and further in view of U.S. Patent No. 4,452,106 to Tartaglia (hereinafter, "Tartaglia"). Applicant respectfully submits that independent claim 31 is allowable over Shannon in view of Wood and further in view of Tartaglia because Shannon in view of Wood and further in view of Tartaglia fail to disclose or suggest all the elements of independent claim 31.

Claim 31 recites a surgical clip applying apparatus including, *inter alia*, a handle portion including a moveable handle and a stationary hand grip, an elongated body portion extending from the handle portion, and a jaw blade extending from said elongated body portion and operably connected to the handle portion for selective closure upon an actuation of the moveable handle.

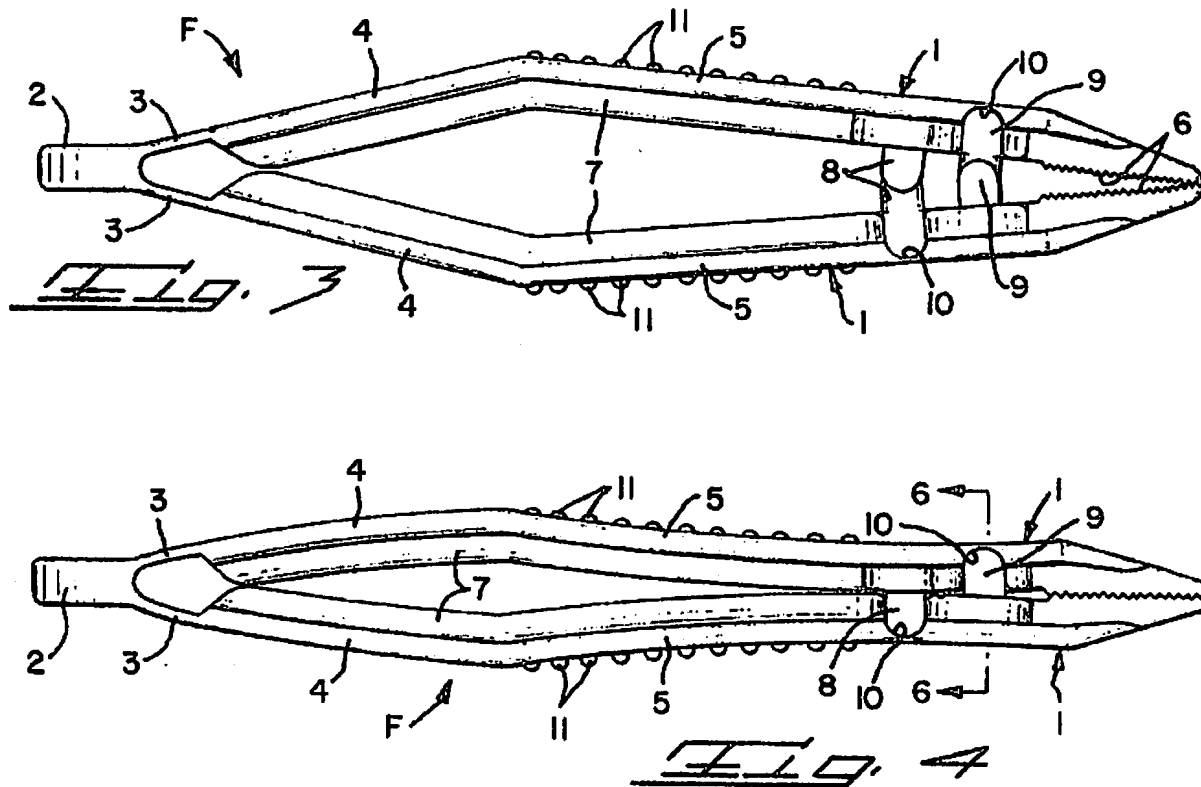
According to the Examiner, Shannon discloses the invention substantially as claimed, except for the jaws defining a channel oriented substantially along a respective longitudinal axis thereof. Specifically, with reference to the figure reproduced below, the Examiner states that Shannon discloses a surgical apparatus including a handle portion (2 and 3 combined) including a moveable handle (3) and a stationary hand grip (2), an elongated body portion (4) and a jaw blade (5 and 6 combined) including a first leg (5) and a second leg (5), each leg having a jaw (at 6) integrally

connected thereto. The Examiner relies on Wood to teach the modification of the jaw member to include a channel oriented substantially along a respective longitudinal axis thereof. The Examiner relies on Tartaglia to teach inter-leg engaging members of an apparatus that are at all times at least partially engaged with each other.



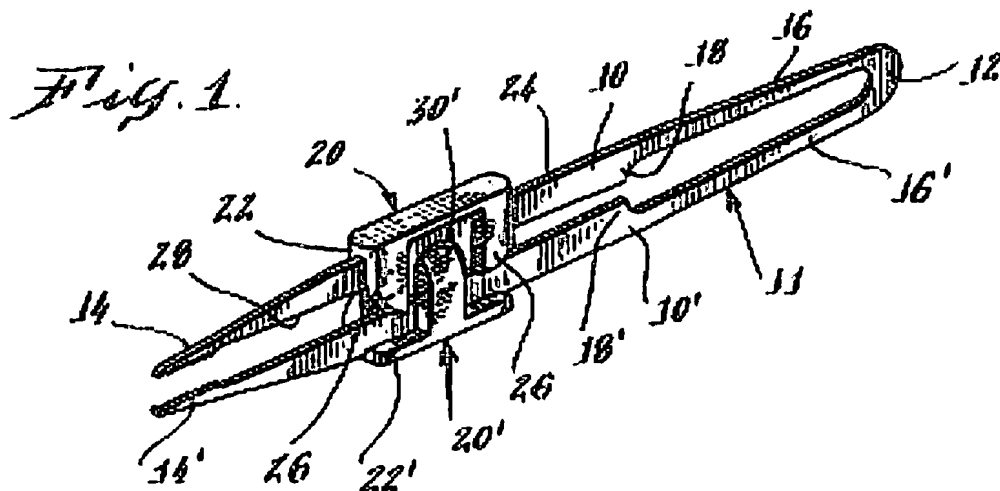
Instead, with reference to FIG. 2 above, Shannon discloses disposable forceps "F" including arms 1 which are connected together at inner ends by a connecting section 2. Each arm 1 is provided with a hinge section 3, an inclined section 4, a straight section 5 and article engaging teeth 6. Ribs 11 are disposed along the outer surfaces of straight sections 5 to provide engaging areas for an operator to normally engage the forceps between the thumb and forefinger of an operator. Contrary to the Examiner's assertion, connecting section 2 and hinge section 3 do not form a handle portion having a moveable handle and a stationary hand grip, as neither moveable handle nor stationary hand grip are configured nor intended for engagement by a user. Furthermore, actuation of hinge section 3 does not effect the closure of engaging teeth 6. Instead, as seen in FIG. 3, below, actuation of hinge section 3 would merely force inclined sections 4 of arms 1 to engage one another. While this action

may cause the tip of arms 1 to engage, engagement of teeth 6 occurs only upon application of a normal force to straight sections 5, thereby causing arms 1 to flex, as seen in FIG. 4, below. Thus, Shannon does not disclose a handle portion including a movable handle and a stationary hand grip, as recited in independent claim 31.



Applicant respectfully submits that Wood fails to cure the deficiencies of Shannon in that Wood also fails to show, teach or disclose “a handle portion including a moveable handle and a stationary hand grip,” as recited in independent claim 31. Rather, Wood merely discloses or shows a pair of jaws 19 and a clip 25 formable by the pair of jaws 19.

Applicant respectfully submits that Tartaglia fails to cure the deficiencies of Shannon and Wood in that Tartaglia also fails to show, teach or disclose "a handle portion including a moveable handle and a stationary hand grip," as recited in independent claim 31. Rather, with reference to FIG. 1 of Tartaglia reproduced below, Tartaglia discloses forceps including a pair of elongated arms 10, 10' connected by an end section 12 and forming an elongated U-shaped tweezer-like spring element 11. Free ends or tips 14, 14' include teeth for securely grasping an object when arms 10, 10' are flexed toward each other to engage tips 14, 14'. To facilitate manipulation, forceps of Tartaglia include finger pieces 20, 20' mounted on mid-portions 18, 18' of arms 10, 10'. Neither end section 12 nor either of tips 14, 14' or sections 16, 16' of arms 10, 10', respectively, form a handle portion having a moveable handle and a stationary hand grip, as neither end section 12, tips 14 or sections 16 are configured for engagement by a user. Instead, the forceps of Tartaglia, which are constructed of sheet metal, include finger pieces 20, 20', located distal of end section 12, for engagement and manipulation of the forceps.



Accordingly, in view of the foregoing, Applicant respectfully submits that independent claim 31 is not obvious under 35 U.S.C. § 103(a) over Shannon in view of Wood and further in view of Tartaglia. Since claims 32-37, 41, 43 and 44 depend, directly or indirectly, from claim 31, Applicant respectfully submits that claims 32-37, 41, 43 and 44, are also patentable over Shannon in view of Wood.

Claims 45-50, 52 and 56-59 were rejected under 35 U.S.C. 103(a), as being obvious over Shannon in view of U.S. Patent No. 6,066,174 to Farris (hereinafter, "Farris) and further in view of Wood. Applicant respectfully submits that Shannon in view of Farris and further in view of Wood fails to disclose each and every element recited in independent claims 45, 52 and 56.

Claim 45 recites a surgical clip applying apparatus including, *inter alia*, a handle portion and an elongated body portion rotatably mounted to and extending from the handle portion; and claims 52 and 56 recite a surgical clip applier including, *inter alia*, an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion.

As discussed above, according to the Examiner, Shannon discloses a surgical apparatus substantially as claimed and relies on Wood to teach the modification of the jaw member to include a channel oriented substantially along a respective longitudinal axis thereof. Additionally, the Examiner relies on Farris to teach an elongated body portion rotatably mounted to and extending from the handle portion and an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion.

According to the Examiner, with reference to FIGS. 9 and 10 of Farris reproduced below, Farris discloses an apparatus including a handle portion including a moveable handle (55), a jaw blade (58) and an elongated body portion (160) rotatably mounted to and extending from the handle portion and including a rotating collar (knurled portion of 160) for rotating the body portion relative to the handle portion.

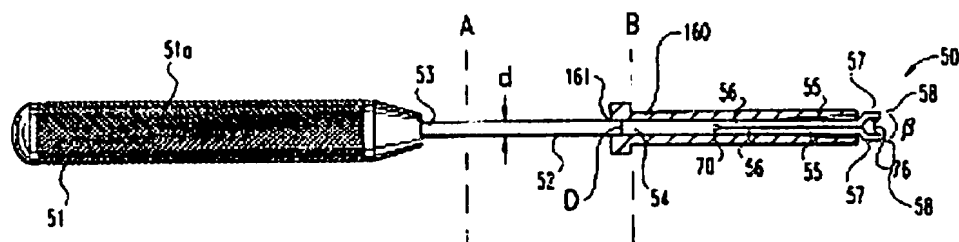


Fig. 9

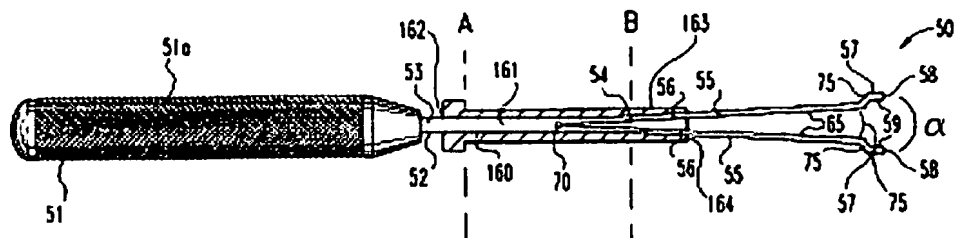


Fig. 10

Instead, with reference to FIG. 2 of Shannon reproduced above, Shannon discloses disposable forceps "F" which are provided with arms 1 which are connected together at inner ends by a connecting section 2. Each arm 1 is provided with a hinge section 3, an inclined section 4, a straight section 5 and article-engaging teeth 6. Ribs are disposed along the outer surfaces of straight sections 5 to provide engaging areas for an operator to normally engage the forceps between the thumb and

forefinger of an operator so that the ribbed area between lugs 8 and the junctions between section 4 and 5 define grasping areas for normally grasping the forceps to operate the same.

With reference to FIGS. 9 and 10, reproduced above, Farris discloses an inserter 50 including a handle 51 and a shaft 52. A proximal end 53 of shaft 52 extends from handle 51 and a distal end 54 of shaft 52 includes a pair of jaws 55. A sleeve 160 is slidably mounted on shaft 52 and is slidable between a first position "A" adjacent handle 51 to a second engaging position "B" spaced from first position "A" in a location between first position "A" and free ends 57 of jaws 55. Farris does not disclose that sleeve 160 is rotatably mounted on shaft 52. Further, it is not readily apparent what purpose rotatably mounting sleeve 160 on shaft 52 would serve because jaws 55 are fixedly secured to handle 51 and not to sleeve 160. Therefore, rotation of sleeve 160 would not rotate jaws 55 or an implant held therein, and thus, there is no motivation or suggestion to configure sleeve 160 to be rotatably mounted to shaft 52.

Contrary to the Examiner's assertion, it would not have been obvious to modify inclined section 4 of the forceps of Shannon to include slidable sleeve 160 of Farris. The addition of a sleeve to the forceps of Shannon would not allow the forceps to be used in a minimally-invasive procedure, as proffered by the Examiner. Instead, the modification would render the forceps of Shannon inoperable for their intended purpose. With reference to FIGS. 3 and 4 of Shannon, reproduced above, actuation of forceps "F" requires engagement of straight sections 5 between the thumb and forefinger of an operator. Modifying either or both of inclined sections 4 and or straight sections 5 of forceps F to include sleeve 160 of Farris would prevent engagement of straight sections 5 by a user, thereby preventing the complete engagement of article-engaging teeth 6. Furthermore, the

inclusion of a rotatable body portion with forceps "F" would serve no purpose as forceps F are monolithically formed and no portion thereof is rotatable relative to another portion thereof.

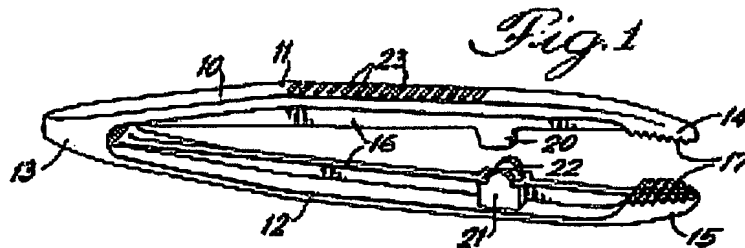
Accordingly, in view of the foregoing, Applicant respectfully submits that independent claims 45, 52 and 56 are not obvious under 35 U.S.C. § 103(a) over Shannon in view of Farris, and further in view of Wood. Since claims 44-50 depend, directly or indirectly, from claim 45, and claims 57-59 depend, directly or indirectly, from claim 56, Applicant respectfully submits that claims 32-37, 41, 43 and 44, are also patentable over Shannon in view of Wood.

Claims 31, 38 and 42 were rejected under 35 U.S.C. 103(a), as being obvious over U.S. Patent No. 3,140,715 to Whitton, Jr. et al. (hereinafter, "Whitton, Jr.") in view of Wood and further in view of Tartaglia. Applicant respectfully submits that Whitton, Jr. in view of Wood and further in view of Tartaglia fails to disclose each and every element recited in independent claim 31.

Applicant respectfully submits that independent claim 31, as amended herein, is allowable over Whitton, Jr. in view of Wood and further in view of Tartaglia because Whitton, Jr. in view of Wood and further in view of Tartaglia fails to disclose or suggest all the elements of independent claim 31.

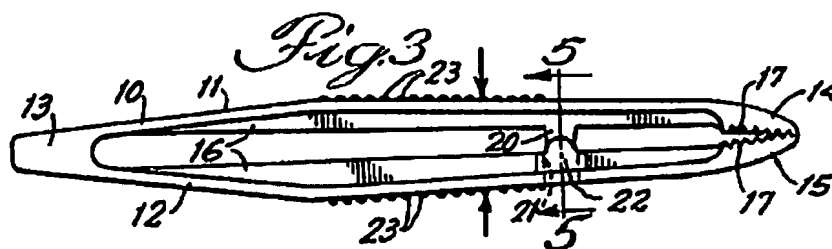
As stated above, independent claim 31 recites a surgical clip applying apparatus including, *inter alia*, a handle portion including a moveable handle and a stationary hand grip, an elongated body portion extending from the handle portion, and a jaw blade extending from said elongated body portion and operably connected to the handle portion for selective closure upon an actuation of the moveable handle.

According to the Examiner, Whitton Jr. discloses the invention substantially as claimed, expect for the jaws defining a channel oriented substantially along a respective longitudinal axis thereof. Specifically, with reference to FIG. 1, reproduced below, the Examiner states that Whitton, Jr. discloses a surgical apparatus including a handle portion (13 and proximal portions of 11 and 12 combined) including a movable handle (proximal, inclined portions of 11 and 12) and a stationary hand grip (13), an elongated body portion (element 16), a jaw blade including a first leg (distal portion of 11) and a second leg (distal portion of 12), each leg having a jaw (14, 15). The Examiner relies on Wood to teach the modification of the jaw members include a channel oriented substantially along a respective longitudinal axis thereof.



With the above understanding of the apparatus of Whitton, Jr., Whitton, Jr. fails to disclose that “a handle portion including a moveable handle and a stationary hand grip, an elongated body portion extending from the handle portion, and a jaw blade extending from said elongated body portion and operably connected to the handle portion for selective closure upon an actuation of the moveable handle,” as recited in independent claim 31. Instead, forceps 10 of Whitton include a pair of arms 11, 12 that are connected at a proximal end by a connecting portion 13. Opposite ends of arms 11, 12 include jaws 14, 15, respectively. Outer surfaces of arms 11, 12 are provided with transverse ridges 23 so that the instrument may be firmly gripped and easily manipulated. Contrary

to the Examiner's assertion, connecting portion 13 and proximal end of arms 11, 12 do not form a handle portion having a moveable handle and a stationary hand grip, as neither moveable handle nor stationary hand grip are configured for engagement by a user. Furthermore, actuation of the proximal section of arms 11, 12 does not effect the closure of jaws 14, 15. Instead, as seen in FIG. 3, below, closure of jaws 14, 15 occurs upon application of force to a middle portion of arms 11, 12, as indicated by the pair of vertical arrows. Thus, Whitton does not disclose a handle portion including a movable handle and a stationary hand grip, as recited in independent claim 31.



Applicant respectfully submits that Wood fails to cure the deficiencies of Whitton, Jr. in that Wood also fails to show, teach or disclose that "a handle portion including a moveable handle and a stationary hand grip, an elongated body portion extending from the handle portion, and a jaw blade extending from said elongated body portion and operably connected to the handle portion for selective closure upon an actuation of the moveable handle," as recited in independent claim 31. Rather, as noted above, Wood merely discloses or shows a pair of jaws 19 and a clip 25 formable by the pair of jaws 19.

Accordingly, in view of the foregoing, Applicant respectfully submits that independent claim 31 is not obvious under 35 U.S.C. § 103(a) over Whitton in view of Wood. Since claims 38 and 42

depend, directly or indirectly, from claim 31, Applicant respectfully submits that claims 38 and 42, are also patentable over Whitton, Jr. in view of Wood.

Claims 31, 33, 39 and 40 were rejected under 35 U.S.C. § 103(a), as being obvious over U.S. Patent No. 4,318,313 to Tartaglia (hereinafter, "Tartaglia") in view of Wood. Applicant respectfully submits that independent claim 31, as amended herein, is allowable over Tartaglia in view of Wood because Tartaglia in view of Wood fails to disclose or suggest all the elements of independent claim 31.

As stated above, independent claim 31 recites a surgical clip applying apparatus including, *inter alia*, a handle portion including a moveable handle and a stationary hand grip, an elongated body portion extending from the handle portion, and a jaw blade extending from said elongated body portion and operably connected to the handle portion for selective closure upon an actuation of the moveable handle, the jaw blade including a first leg and a second leg, each leg having a jaw integrally connected thereto and extending distally therefrom, each jaw defining a channel oriented substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive a surgical clip therebetween, wherein each jaw is oriented at an angle with respect to a plane defined by the first and second leg.

Applicant respectfully submits that independent claim 31, as amended herein is allowable over Tartaglia in view of Wood because Tartaglia in view of Wood fails to disclose or suggest all the elements of independent claim 31.

With the above understanding of the apparatus of Tartaglia, Tartaglia fails to disclose a handle portion including a moveable handle and a stationary hand grip, an elongated body portion extending from the handle portion, and a jaw blade extending from said elongated body portion and operably connected to the handle portion for selective closure upon an actuation of the moveable handle. Instead, as discussed above, forceps of Tartaglia include a pair of elongated arms 10, 10' connected by an end section 12 and forming an elongated U-shaped tweezer-like spring element 11.

Free ends or tips 14, 14' include teeth for securely grasping an object when arms 10, 10' are flexed toward each other to engage tips 14, 14'. To facilitate manipulation, forceps of Tartaglia include finger pieces 20, 20' mounted on mid-portions 18, 18' of arms 10, 10'. Contrary to Examiner's assertion, neither end section 12 nor either of tips 14, 14' or sections 16, 16' of arms 10, 10', respectively, form a handle portion having a moveable handle and a stationary hand grip, as neither end section 12, tips 14 or sections 16 are configured for engagement by a user. Instead, the forceps of Tartaglia, which are constructed of sheet metal, include finger pieces 20, 20', located distal of end section 12, for engagement and manipulation of the forceps.

Tartaglia further fails to disclose a first leg and a second leg, each leg having a jaw integrally connected thereto and extending distally therefrom, each jaw defining a channel oriented substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive a surgical clip therebetween, wherein each jaw is oriented at an angle with respect to a plane defined by the first and second leg," as recited in independent claim 31. Instead, jaws 14 and 14' are disposed in the same plane and the plane defined by legs (10, 10').

Applicant respectfully submits that Wood fails to cure the deficiencies of Tartaglia in that Wood also fails to show, teach or disclose each jaw being oriented at an angle with respect to a plane defined by the first and second leg, as recited in independent claim 31. Rather, Wood merely discloses or shows a pair of jaws 19 and a clip 25 formable by the pair of jaws 19.

Accordingly, in view of the foregoing, Applicant respectfully submits that independent claim 31 is not patentable under 35 U.S.C. § 103(a) over Tartaglia in view of Wood. Since claims 38 and

42 depend, directly or indirectly, from claim 31, Applicant respectfully submits that claims 38 and 42, are also patentable over Tartaglia in view of Wood.

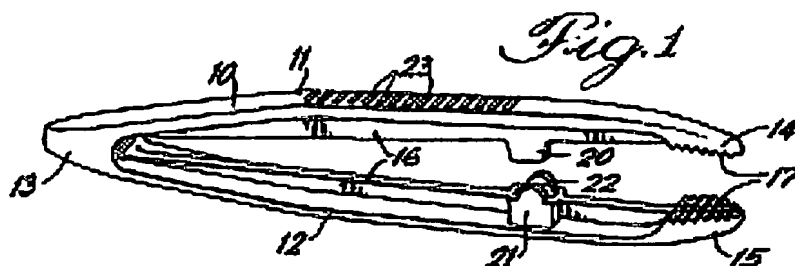
Claims 45, 47, 51, 56, 57 and 60 were rejected under 35 U.S.C. 103(a), as being unpatentable over Whitton, Jr. in view of Farris, and further in view of Wood. Applicant respectfully submits that Whitton, Jr. in view of Farris and further in view of Wood fails to disclose each and every element recited in independent claims 45 and 56.

Claim 45 recites a surgical clip applying apparatus including, *inter alia*, a handle portion and an elongated body portion rotatably mounted to and extending from the handle portion; and claim 56 recites a surgical clip applier including, *inter alia*, an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion.

As discussed above, according to the Examiner, Whitton, Jr. discloses a surgical apparatus substantially as claimed. As previously noted, the Examiner relies on Wood to teach the modification of the jaw member to include a channel oriented substantially along a respective longitudinal axis thereof. Additionally, the Examiner relies on Farris to teach an elongated body portion rotatably mounted to and extending from the handle portion and an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion.

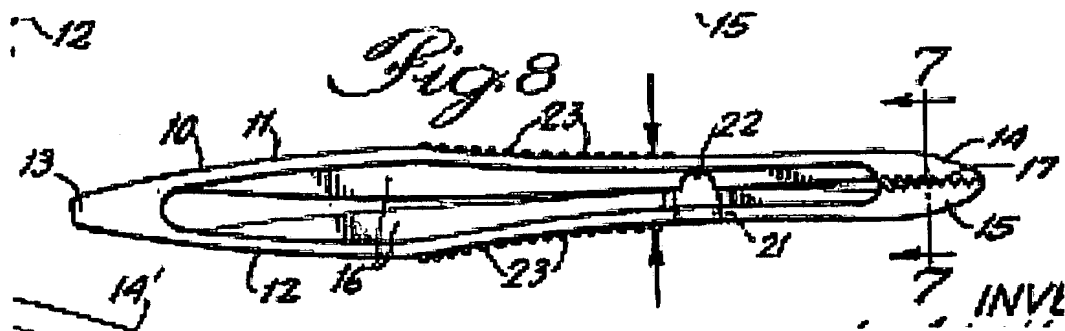
Instead, with reference to FIG. 1 of Whitton, Jr. reproduced below, Whitton Jr. discloses forceps 10 which include upper and lower arms 11 and 12. A pair of corresponding ends of the arms

are secured together by a connecting portion 13 and the opposite ends of the arms are provided with jaws 14, 15. When the tips of the jaws come into contact, the remaining portions of those jaws, as well as the longitudinal ribs 16 of arms 11 and 12, are still spaced a substantial distance apart. It is only upon the application of increased force sufficient to cause a bending of the reinforcing ribs 16 that the ribs of the respective jaws are urged into contact and the teeth of the upper and lower jaws fully mesh.



Contrary to the Examiner's assertion, it would not have been obvious to modify the elongated portion of the forceps of Whitton, Jr. to include slidable sleeve 160 of Farris. A person of ordinary skill in the art of plastic forceps would not look to a device for inserting vertebral implants, therefore the references are not properly combined. Assuming *arguendo*, the combination of Whitton, Jr. and Farris is proper the addition of a sleeve to the forceps of Whitton, Jr. would not allow the forceps to be used in a minimally-invasive procedure, as proffered by the Examiner. Instead, the modification would render the forceps of Whitton, Jr. inoperable for their intended purpose. As discussed above, and with reference to FIG. 8 of Whitton, Jr., reproduced below, it is only upon the application of increased force sufficient to cause a bending of the reinforcing ribs 16 that the ribs of respective arms 11, 12 are urged into contact and teeth 17 of upper and lower jaws 14, 15 fully mesh.

Modifying arms 11, 12 of forceps 10 to include sleeve 160 of Farris would prevent proper engagement of arms 11, 12 by a user, thereby preventing the complete engagement of teeth 17. Furthermore, the inclusion of a rotatable body portion with forceps 10 would serve no purpose as forceps 10 are monolithically formed and no portion thereof is rotatable relative to any other portion thereof.



Accordingly, in view of the foregoing, Applicant respectfully submits that independent claims 45 and 56 are not obvious under 35 U.S.C. § 103(a) over Whitton, Jr. in view of Farris, and further in view of Wood. Since claims 47 and 51 depend, directly or indirectly, from claim 45, and claims 57 and 60 depend, directly or indirectly, from claim 56, Applicant respectfully submits that claims 47, 51, 57 and 60, are also patentable over Whitton, Jr. in view of Wood.

Claims 52-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tartaglia in view of Farris and further in view of Wood. Applicant respectfully submits that Tartaglia in view of Farris and further in view of Wood fails to disclose each and every element recited in independent claim 52.

Claim 52 recites an apparatus for applying surgical fasteners or clips including, *inter alia*, a body portion extending from a handle portion and including a rotating collar for rotating the body portion relative to the handle portion.

As discussed above, according to the Examiner, Tartaglia discloses a surgical apparatus substantially as claimed. As previously noted, the Examiner relies on Wood to teach the modification of the jaw member to include a channel oriented substantially along a respective longitudinal axis thereof. Additionally, the Examiner relies on Farris to teach an elongated body portion rotatably mounted to and extending from the handle portion and an elongated body portion extending from the handle portion and including a rotation collar for rotating the body portion relative to the handle portion.

Instead, with reference to FIG. 1 of Tartaglia reproduced hereinbelow, Tartaglia discloses a forceps including a pair of elongated arms 10, 10' integral with an end section 12. Arms 10, 10' and their integral end section 12 form an elongated U-shaped tweezer-like spring element 11. In order to facilitate manipulation of the forceps, finger pieces 20, 20' are mounted on the mid-portions 18, 18' of arms 10, 10' at a suitable distance rearward of their tips 14, 14'.

Contrary to the Examiner's assertion, it would not have been obvious to modify the elongated portion of the forceps of Tartaglia to include slidable sleeve 160 of Farris. The addition of a sleeve to the tweezer forceps of Tartaglia would not allow the forceps to be used in a minimally-invasive procedure, as proffered by the Examiner. Instead, the modification would render the forceps of Tartaglia inoperable for their intended purpose. Modifying arms 10, 10' of forceps to include sleeve

160 of Farris would prevent proper engagement of finger pieces 20, 20' by a user, thereby preventing engagement of the jaw members. Furthermore, the inclusion of a rotatable body portion within the tweezer forceps serves no practical purpose as no portion of the tweezer forceps is rotatable relative to any other portion thereof.

Claim 55 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Shannon and further in view of Farris. Applicant respectfully submits that independent claim 55 is allowable over Wood in view of Shannon and further in view of Farris because Wood in view of Shannon and Farris fails to disclose or suggest all the elements of independent claim 55.

Independent claim 55 recites a method for applying surgical clips and performing blunt dissection of tissue including, *inter alia*, the step of providing a surgical clip applier for applying surgical clips, which surgical clip applier includes a handle portion including a moveable handle, an elongated body portion rotatable mounted to and extending from the handle portion, and a jaw blade supported on a distal end of the elongated body and being selectively closed upon an actuation of the moveable handle.

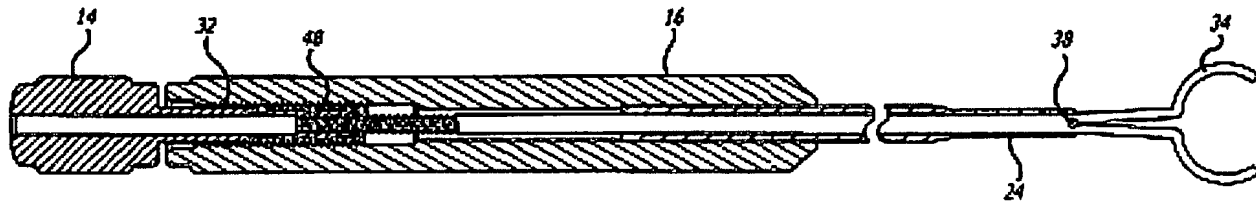
As discussed above, none of Wood, Shannon or Farris, individually or in any proper combination, show, teach or disclose a clip applier including, *inter alia*, an elongated body portion rotatably mounted to and extending from the handle portion. Accordingly, in view of the foregoing, Applicant respectfully submits that claim 55 is not obvious under 35 U.S.C. § 103(a) over Wood in view of Shannon and further in view of Farris.

Claims 61, 62 and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shannon in view of Farris and Wood, and further in view of U.S. Patent No. 6,319,257 to Carignan et al. ("Carignan"). The Examiner relies on Carignan to disclose rotation of an elongated body relative to a handle portion to cause rotation of the jaw blade.

According to the Examiner, Carignan teaches an apparatus where rotation of an elongated body (16) relative to a handle portion (46) causes rotation of jaw blades (34), and it would have been obvious to modify the elongated body and handle portion of Shannon in view of Farris and Wood, so that rotation of the elongated body relative to the handle portion causes rotation of the jaw blades.

Instead, with reference to FIG. 9 below, Carignan discloses an inserter device assembly 12 including a knob 14, a sleeve 16 and a shaft 18. Sleeve 16 includes a handle region 20, a tubular region 22, and a tip region 24. A free end of handle 20 associated with knob 14 at an inner thread 32 along opening 28 of handle 20. Shaft 18 includes jaws 34 on one end and a threaded end 36 on the opposite end. In operation, as knob 14 is turned in a certain direction, i.e., clockwise, an outer thread 48 and inner thread 32 are threaded to cause knob 14 to extend relative to sleeve 16. At the same time, the center thread 50 and a threaded end 36 are threaded to cause the threaded end 36 to retract into internal thread 50. The net result is that fork 40 is retracted into the tip region 24 at a faster rate because as threaded end 36 is retracted into internal thread 50, knob 14 is also being extended relative to sleeve 16.

FIG. 9



As discussed above, none of Shannon, Farris or Wood, individually or in any proper combination, show, teach or disclose a clip applicator including, *inter alia*, an elongated body portion rotatably mounted to and extending from the handle portion, as recited in claim 45, or a body portion extending from the handle portion and including a rotating collar for rotating the body portion relative to the handle portion, as recited in claims 52 and 56. Applicant respectfully submits that Carignan fails to cure the deficiencies of Shannon, Farris and Wood with respect to claims 45, 52 and 56. Since claim 61 depends from claim 45, claim 62 depends from claim 52 and claim 64 depends from claim 56, and each includes all of the features of the base claim, for at least the same reasons claims 61, 62 and 64 are not obvious under 35 U.S.C. § 103(a) over Shannon in view of Farris and Wood, and further in view of U.S. Patent No. 6,319,257 to Carignan.

Furthermore, contrary to the Examiner's assertion, Carignan fails to disclose rotation of an elongated body relative to the handle portion causes rotation of the jaw blades. As discussed above, rotation of knob 14 cause extension of knob 14 relative to sleeve 16 and retraction of fork 40 relative to sleeve 16. Thus, rotation of sleeve 16 relative to handle 14 effects open and closing of jaws 34, not, as the Examiner contends, rotation of jaws 34.

Claim 63 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Shannon and Farris, and further in view of Carignan. As discussed above, none of Shannon, Farris or Wood, individually or in any proper combination, show, teach or disclose a clip applier including, *inter alia*, an elongated body portion rotatably mounted to and extending from the handle portion, as recited in claim 55. Applicant respectfully submits that Carignan fails to cure the deficiencies of Shannon, Farris and Wood with respect to claim 55. Since claim 62 depends from claim 55, and each includes all of the features of the base claim, for at least the same reasons claims 63 is not obvious under 35 U.S.C. § 103(a) over Wood in view of Shannon and Farris, and further in view of Carignan.

In view of the foregoing amendments and remarks, Applicant respectfully submits that each of the rejections of the claims in the present Office Action has been overcome and pending claims 31-64 are believed to be in condition for allowance.

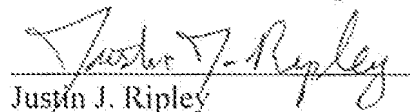
Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicants' undersigned representative at the number indicated below.

Application Serial No.: 10/510,165
Filing Date: October 1, 2004
Docket: 2787 (203-3103 PCT US)
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Response to Office Action
mailed December 31, 2009

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of all pending claims is earnestly solicited.

Respectfully submitted,



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